DETAILED ACTION

Introduction

The following is a Non-Final Office Action in response to the communications received on December 04, 2009. Claims 1-28 are now pending in this application.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 04, 2009 has been entered.

Response to Amendment

As to claims 1-14, the previous 35 U.S.C. 101 rejection is withdrawn in light of applicant's amendment.

Response to Arguments

1. Applicant's arguments with respect to claims 1-3 have been considered but are moot in view of the new ground(s) of rejection.

2. Further, applicant's arguments filed on December 04, 2009 for 35 U.S.C. 103 rejection have been fully considered but they are not persuasive. Applicant's argues that the combination of Guinta and Prather fail to teach "a quality issue based upon a product," examiner respectfully disagrees.

Here, Guinta teaches a quality issue based upon a system product for a particular company see col. 5:51-65 i.e. an organizational system. Guinta's auditing method primarily directing towards an organization's process, in a broadest reasonable interpretation, organizational service/process is also a form of product that can be audited based on Guinta disclosure. Prather is further provided to teach more narrow interpretation for this limitation. In ¶27-29 and figure 9, Prather explicitly teaches auditing an insurance product based upon its quality issue i.e. coverage and pricing.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Guinta with Prather because both prior arts are analogous in

auditing product based on question surveys. Moreover, since claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guinta in view of US patent publication 2005/0033617 to Prather et al. ("Prather')

As to claim 1, Guinta discloses invention substantially including a method for improving an audit within a controlled environment (Guinta, col.1 lines 14-50), the method comprising:

determining a quality issue to address, the quality issue being associated with a product, wherein the product is the subject of the audit (Guinta, col. 1 lines 40-50 i.e. engine quality to minimize engine defect, chart 1 shows plurality of quality issues associate with a product i.e. system);

selecting a group of questions associated with the quality issue (Guinta, table 1 i.e. different group of questions associated with system quality);

posing, on the interactive interface, a question of the group of questions to gather information related to evaluation of the quality issue (Guinta, Fig 5a-5e and col. 17 lines 12-65 i.e. it shows an interactive interface for posting question to an user that is running on a processing device);

determining a sub-group of the group of questions, the sub-group being selected based upon an association with the information received in response to the question (Guinta, col.16 line 54 – col.17 line 21); and

storing the information (Guinta, Fig 1-3, i.e. last step corresponds to saving data or storing the information).

While Guinta teaches all the limitations above, Guinta fail to explicitly teach the following limitations, however, Prather teaches:

a portable processing device having an interactive interface adapted for operation within the controlled environment consists of a clean room (figure 8 i.e. hand-held auditing computer capable to present interface to user as shown in figure 10-12. Further it is able to communicate with database and server for storing and retrieving information).

Prather further teaches narrower interpretation for quality issue associated with a product (¶ 27-29 i.e. quality issue associated with insurance product).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Guinta with Prather because both prior arts are analogous in auditing product based on quality question surveys. Further, since claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As to claim 2, see the discussion in claim 1 above. Guinta further discloses processing the information along with other information related to the group of questions to evaluate performance related to the quality issue (col. 17 lines 21-37, and Fig 5a-e i.e. process selected first indication with second indication to the group of questions to evaluate performance).

As to claim 3, see the discussion in claim 2 above. Guinta further discloses generating a report based upon the information to describe the performance (col. 18 lines 43 – col. 20 and table 2).

As to claim 4, see the discussion in claim 1 above. Guinta does not explicitly disclose interacting with a user to select the quality issue. However, Prather discloses interacting with a user to select the quality issue (Fig 12, and ¶ 42-49).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Guinta with Prather since claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As to claim 5, see the discussion in claim 1 above. Guinta does not explicitly disclose selecting a quality issue based upon the product. However Prather discloses

selecting a quality issue based upon the product (Prather, fig 14-15, and ¶ 51-55 i.e. select quality issue based upon product).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Guinta with Prather since claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As to claim 6, see the discussion in claim 1 above. Guinta does not explicitly disclose searching a database for question. However Prather discloses searching a database for questions having an association with the quality issue (¶ 49-53, and Fig 10-12 i.e. looking into related question database).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Guinta with Prather since claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As to claim 7, see the discussion in claim 1 above. Guinta further discloses a relationship table for associations with the quality issue (table 1). However, Guinta does not disclose searching function to access the database. Prather discloses searching a database for information (¶ 49-53).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Guinta with Prather because ability to search relationship database would reduce information retrieval time.

As to claim 8, see the discussion in claim 1 above. Guinta further displaying the question and a set of potential answers on a monitor (Fig 4 and 5). However, Guinta does not disclose displaying materials on a touch screen display of a personal digital assistant. However, official notice is taken that it was old and well known at the time of the invention to display information on a touch screen display of a personal digital assistant. It would have been obvious to one of ordinary skill in the art at the time of the invention to display auditing system on a touch screen display of a personal digital assistant because it provides more convenient information access.

As to claim 9, see the discussion in claim 1 above. Guinta further discloses selecting the sub-group for the audit in light of the information (Fig. 1-3 and col.6 line 42—line 34 i.e. demonstrable system and extent of deployment). However, Guinta does not explicitly disclose that sub-group is selected based upon relevancy of questions. Guinta further discloses sub-group of relevant questions in table 1 such as topics under different quality concerns.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify sub-group questions based on relevancy of questions because this would optimize drill down audit questionnaire to inquire relevant features of a product.

As to claim 10, Guinta and Prather disclose the claimed invention substantially. All the limitations of claim 10 are of the same scope as the limitations of claim 1, and are therefore rejected on the same basis, with following noted exceptions. Claim 10 recites narrowing the group of questions to a sub-group of the group based upon the response to the question.

Here Guinta further teaches:

narrowing the group of questions to a sub-group of the group based upon the response to the question, wherein the sub-group of questions are relevant to a quality issue of a product in light of the response (Fig. 1-3 and col.6 line 42—line 34 i.e. demonstrable system and extent of deployment where sub-group questions are relevant to a quality issues; **notice** that in figure 1, and 2 last node leads to more questions to assess, and in table 1, especially col. 12 under 4.13 Guinta shows narrowing question labels for the system to process in tree-like survey structure. For instance, under 4.13 - control of nonconforming products, there are sub questions such as 4.13.1, 4.13.2 and 4.13.3); and

storing the response for analysis (Guinta, Fig 1-3, i.e. last step corresponds to saving data or storing the information, and table 2 for analysis).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Guinta with Prather since claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As to claim 11, see the discussion in claim 10 above. Guinta further discloses processing the response along with other responses related to the group of questions to analyze performance with respect to the quality issue (table 2, and col. 18 line 43 – col. 20).

As to claim 12, see the discussion in claim 11 above. Guinta further discloses generating a report based upon the responses to describe the performance (col. 18 lines 43 – col. 20 and table 2).

As to claim 13, see the discussion in claim 10 above. Guinta further discloses displaying a question for the audit related to the quality issue on a display adapted for operation within a controlled environment (Fig. 4-5).

As to claim 14, see the discussion in claim 10 above. Guinta further discloses identifying questions based upon the response (Fig. 1-3 and col.6 line 42—line 34 i.e. demonstrable system and extent of deployment).

As to claim 15, Guinta discloses an apparatus to improve an audit, the apparatus comprising:

A processing device (fig. 4 col. 17 line 38-45)

an interactive interface, associated with the processing device for use within a controlled environment (col.17 line 47-58 Fig 5a-e) to invoke a response to a question

from a group of questions associated with the audit and to narrow the group to a sub-group based upon the response to the question, wherein the sub-group is relevant to a quality issue of a product in light of the response (Fig 1-3, narrow the question based upon response; see discussion in claim 10); and

group of questions are invoked in an order based upon the response (Fig 1-3);

While Guinta discloses all the limitations above, Guinta does not explicitly teach the following limitations, however, Prather discloses:

a portable processing device having an interactive interface adapted for operation within the controlled environment consists of a clean room (figure 8);

a question database coupled with the interactive interface (¶ 29 and Fig. 2-3, 12), the question database having the group of questions (Fig 12 option to view all questions).

an audit database coupled with the interactive interface, to store data, wherein the data represents the response and responses to other questions from the group (¶ 86-88 and fig. 7-9).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Guinta with Prather since claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As to claim 16, see the discussion in claim 15 above. Guinta does not explicitly show an audit analyzer coupled with the audit database. However, Prather further discloses:

an audit analyzer coupled with the audit database to analyze the data to evaluate performance related to the quality issue and to generate a report communicate the evaluation (fig 8, i.e. auditing database coupled to auditing server to analyze the data to evaluate performance related to quality issue in fig. 5 and report in fig. 9).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Guinta with Prather since claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As to claim 17, see the discussion in claim 15 above. Guinta further disclose a relationship table (table 1) coupled with the interactive interface (Fig. 5) to describe associations between the quality issue and responses to questions of the group of questions (table 2).

As to claim 18, see the discussion in claim 15 above. Guinta further disclose a graphical user interface for a display adapted for use within a controlled environment, to interact with a user (Figure 5).

As to claim 19, see the discussion in claim 15 above. Guinta does not explicitly disclose that the question database comprises questions determined by an experienced auditor. However, Prather discloses:

Question database comprises questions determined by an experienced auditor (¶ 39-42 i.e. prepared by experts).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Guinta with Prather because having questions determined by an experience auditor would provide standard quality audit and reduce human variability (Prather, ¶ 3-6)

As to claim 20, see the discussion in claim 19 above. Guinta further disclose that question database comprises answers to the questions (fig. 1-3, and col.6 line 42 - col.7 line 34 i.e. question database comprise scale answer and “yes” or “no” answer), but Guinta does not disclose the answers are determined by experienced auditor. However, Prather discloses:

Answers are determined by an experienced auditor (Fig. 5, and ¶ 39-42 i.e. weight score and possible answers in already created question bank).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Guinta with Prather because having answers determined by an experience auditor would provide standard quality audit and reduce human variability (Prather, ¶ 3-6).

Claims 21-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guinta in view Prather and further in view of U.S. Patent No. 6,272,472 B1 to Danneels et al. ("Danneels").

As to claim 21, Guinta discloses the invention substantially as claimed. See the discussion of claim 1 above. Guinta does not explicitly teach providing all these executable instructions on a computer-readable medium, although it is strongly suggested by Das in col.17 lines 38-47 i.e. memory. Danneels et al., teaches a computer-implemented method realized as one or more programs on a computer (see column 2, lines 40-46 of Danneels et al.) In addition, Danneels et al. teaches that the programs are storable on a machine-accessible storage medium such as a floppy disk or a CD-ROM (see column 2, lines 46-49 of Danneels et al.). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the method of Guinta discussed in claim 1. One of ordinary skill in the art would have been motivated to incorporate this feature for the purpose of distribution and installation and execution of the software on another computer (see column 7, lines 46-49 of Danneels et al.).

As to claim 22, see the discussion in claim 21 above. All the limitations of claim 22 are of the same scope as the limitations of claim 2 in combination with claim 3, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results

of the combination were predictable. Therefore limitations of claim 22 are rejected on the same basis as claims 2-3, and the combination is rendered obvious.

As to claim 23, see the discussion in claim 21 above. All the limitations of claim 23 are of the same scope as the limitations of claim 5 above, and therefore rejected on the same basis.

As to claim 24, see the discussion in claim 21 above. All the limitations of claim 24 are of the same scope as the limitations of claim 6 above, and therefore rejected on the same basis.

As to claim 25, see the discussion in claim 21 above. All the limitations of claim 25 are of the same scope as the limitations of claim 9 above, and therefore rejected on the same basis.

As to claim 26, Guinta discloses the invention substantially as claimed. See the discussion of claim 10 above. Guinta does not explicitly teach providing all these executable instructions on a computer-readable medium, although it is strongly suggested by Das in col.17 lines 38-47 i.e. memory. Danneels et al., teaches a computer-implemented method realized as one or more programs on a computer (see column 2, lines 40-46 of Danneels et al.) In addition, Danneels et al. teaches that the programs are storable on a computer-readable medium such as a floppy disk or a CD-

ROM (see column 2, lines 46-49 of Danneels et al.). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the method of Guinta discussed in claim 10. One of ordinary skill in the art would have been motivated to incorporate this feature for the purpose of distribution and installation and execution of the software on another computer (see column 7, lines 46-49 of Danneels et al.).

As to claim 27, see the discussion in claim 26 above. All the limitations of claim 27 are of the same scope as the limitations of claim 11 in combination with claim 12, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable. Therefore limitations of claim 22 are rejected on the same basis as claims 11-12, and the combination is rendered obvious.

As to claim 28, see the discussion in claim 26 above. All the limitations of claim 28 are of the same scope as the limitations of claim 13 above, and therefore rejected on the same basis.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent 6643625 – Acosta et al. teach method of auditing product quality such as loan portfolios based on its quality.

US Patent 6889230 - Rogers teaches a formatted customer satisfaction survey information enables a product to evaluate the quality of goods and or service.

PGPub 20040267597 – Kobrosly et al. teach a computer display generating quality assurance surveys to be interactively taken by suppliers on computer.

US Patent 7324905 - Droubie et al. teach an automated interactive quality control inspection process.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TZU-HSIANG (SEAN) LAN whose telephone number is (571)270-7054. The examiner can normally be reached on Monday-Friday 8am-4pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth V. Boswell can be reached on (571)272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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